

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TIFFANY R. PETERSON,

Plaintiff,

v.

DIRK KEMPTHORNE, Secretary,
Department of the Interior,

Defendant.

NO. CV-08-3020-RHW

**ORDER GRANTING
STIPULATION TO WITHDRAW
MOTION TO DISMISS AND
AMEND COMPLAINT**

Before the Court is the parties' Joint Motion and Stipulation to Withdraw United States' Motion to Dismiss and Amend Plaintiff's Complaint (Ct. Rec. 26). This motion was heard without oral argument. The parties have agreed to resolve the United States' dispositive motion without the need for this Court's intervention. Because this case is currently stayed pending the outcome of the dispositive motion, the parties advise that they will file a revised proposed scheduling order at a later date.

Accordingly, **IT IS HEREBY ORDERED:**

1. The United States' Amended Motion to Dismiss (Ct. Rec. 14) is **WITHDRAWN**. The United States will not file another motion under Fed. R. Civ. P. 12(b)(6) or 12(c) in this case.

2. The second and third claims for relief set forth in Plaintiff's Complaint (Ct. Rec. 1) are voluntarily **dismissed with prejudice**, provided that the factual allegations and legal assertions raised under the second claim for relief (discriminatory denial of training requests) are incorporated into the first claim for relief (discriminatory termination) to the extent these allegations and assertions are

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1 relevant or otherwise related to the discriminatory termination claim for relief.
2 This case will proceed only on Plaintiff's first claim for relief of discriminatory
3 termination.

4 3. The parties shall file an amended proposed scheduling order by
5 **December 3, 2008.**

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
7 Order and forward copies to counsel.

8 **DATED** this 25th day of November, 2008.

9 *S/ Robert H. Whaley*

10 **ROBERT H. WHALEY**
11 **Chief United States District Judge**

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